

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant: SMITH, Rixford

Serial No.: 10/710,803

Examiner: Hayes, Bret C..

Filed: Aug.4, 2004

Group Art Unit 3641

Title: GUN BARREL FOR LAUNCHING PROJECTILES

Attorney docket no.: 50126-8

Honourable Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U.S.A.

Sir:

RESPONSE

In response to the Office Action of March 31, 2006, applicant files herewith a terminal disclaimer in accordance with 37 CFR 1.321(c) and submits the following remarks.

REMARKS

Terminal Disclaimer

Applicant has submitted for registration an assignment of the inventor's entire right and interest in U.S. application no. 10/270,735, which resulted in U.S. Patent no. 6,789,454, and of which the present application is a continuation-in-part. The owner of the patent and the owner of the present application are the same entity- Rescue Academy Inc.

Applicant submits herewith a terminal disclaimer in accordance with 37 CFR 1.321(c).

In light of the above, the applicant requests that the double patenting rejection be withdrawn.

Claim Rejections – 35 USC § 102

The examiner has rejected claims 1-5, 9-11, 20, 24, 26 and 27 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,352,740 to Warnecke.

Warnecke relates to a method of re-coating the inside of a gun barrel, because the inside of a gun barrel sometimes wears out from usage. In this method, a sheet or foil form of a coating material (*i.e.*, metal) is put into the bore of the gun barrel, and then an explosive is placed inside of that and exploded, so that the sheet or foil is cold-welded to the inside of the gun barrel.

In the Warnecke method, the gun barrel itself, to withstand this explosive force, can be put inside a supporting tube. Between the supporting tube and the gun barrel, can be put a layer (5') of liquid to fill the gap. This liquid can be water, concrete or epoxy resin. Figure 2 shows the gun barrel as (1), the supporting tube as layer (5) and the liquid material between the gun barrel and the supporting tube, as layer (5').

The invention of claims 1-5, 9-11, 20, 24, 26 and 27 is a *gun barrel* that has concrete between an outer and inner support layer. Warnecke does not teach or suggest a gun barrel that is formed, in part, with concrete. Rather, Warneck teaches that concrete can be used *to support* a gun barrel while it is being coated by the method described above. Therefore, concrete forms no part of the gun barrel of Warnecke.

The applicant submits that in view of the above, claims 1-5, 9-11, 20, 24, 26 and 27 are novel over Warnecke. Favorable consideration and withdrawal of the rejections to these claims under 35 U.S.C. §102 is respectfully requested.

Claim Rejections – 35 USC § 103

The examiner has rejected claims 15-18, 26 and 27 as being unpatentable over Warnecke.

The applicant submits that in view of the arguments presented above, the rejection is no longer relevant. Favorable consideration and withdrawal of the rejections to these claims under 35 U.S.C. §103 is respectfully requested.

Allowable subject matter

The examiner has indicated that claims 6-8 and 12-14 are dependent on a rejected base claim, but would be allowable if written in dependent form. The applicant submits that in view of the arguments presented above, amendment of these claims is no longer required.

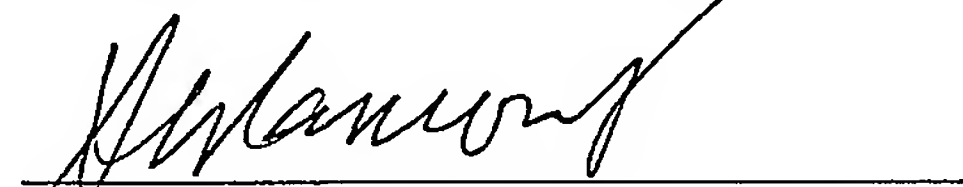
Withdrawn claims 21-23 and 25

In anticipation that the present claims are now in condition for allowance, applicant requests consideration of claims 21-23 and 25, which were withdrawn by the examiner as being directed to a non-elected species. These claims depend from presently pending claims 1, 2, or 3, and therefore include all limitations of presently pending claims 1, 2 or 3.

Conclusions

In light of the arguments presented herein, the applicant submits that all claims are in condition for allowance. Applicant respectfully requests that the examiner withdraw all rejections with regard to the claims in reliance on one or more of the grounds submitted by the applicant.

Respectfully submitted



Susan L. Rancourt
Registration No. 56,016

May 16, 2006

BENNETT JONES LLP
4500, 855 - 2nd Street S.W.
Calgary, Alberta
CANADA T2P 4K7

Telephone: (403) 298-3051